

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHANA GAVIOLA and JULIO SANDOVAL,

Defendants.

CASE NO. 1:22-cr-00233-JCC

ORDER

This matter comes before the Court on Defendant Shana Gaviola's motion to dismiss the indictment based on successive interim appointments of the United States Attorney for the Eastern District of California (Dkt. No. 215). In so moving, Ms. Gaviola relies on *United States v. Comey*, where the court found that a successive appointment of Lindsey Halligan as United States Attorney for the Eastern District of Virginia violated 28 U.S.C. § 546 and the Constitution's Appointments Clause, thus invalidating Mr. Comey's indictment. (*See* Dkt. 215 at 4–8) (citing __ F. Supp. 3d __, 2025 WL 3266932 (E.D. VA 2025)). But that decision has no import to this case, where the indictment (Dkt. No. 1) was obtained under the supervision of United States Attorney Phillip Talbert. He was appointed to the position by the President in accordance with 28 U.S.C. § 541—not by the Attorney General pursuant to 28 U.S.C. § 546. Accordingly, Ms. Gaviola's motion to dismiss (Dkt. No 215) is DENIED.

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1 It is so ORDERED this 25th day of November 2025.

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5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
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